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Attorney for Defendants, Jeannette Manfre, Albert Manfre,
CMAM, Inc. dba Heritage Financial Services

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

KOLETTE A. PAGE AND CLETUS M. PAGE)

Plaintiffs,)

v.)

MINNESOTA LIFE INSURANCE)
COMPANY, SHURWEST HOLDING)
COMPANY, INC., SHURWEST, LLC;)
HAPPY STATE BANK & TRUST COMPANY)
DBA GOLDSTAR TRUST COMPANY;)
FUTURE INCOME PAYMENTS, LLC;)
CMAM, INC. DBA HERITAGE FINANCIAL)
SERVICES; ALBERT ANDREW MANFRE;)
JEANNETTE MANFRE; MATTHEEW LEE)
BIESER, AND DOES 1 – 10,)

Defendants.)

Case No. 8:18-cv-01208 AG (KESx)
(Assign: Hon. Judge Andrew J. Guilford)

**NOTICE AND STIPULATION PER
L.R. 7-16 TO WITHDRAW MOTION
FOR MORE DEFINITE STATEMENT
OR IN THE ALTERNATIVE
MOTION TO DISMISS COMPLAINT**

Hearing Date: December 17, 2018
Hearing Time: 10:00 am
Courtroom: 10D

Plaintiffs Kolette A. Page and Cletus A. Page (together, “Plaintiffs”) and
defendants CMAM, Inc. dba Heritage Financial Services and Albert and Jeanette
Manfre (the “Heritage Defendants”), (collectively “Stipulating Parties”), hereby
stipulate as follows:

Whereas, the Court issued an order on December 3, 2018 granting with leave to
amend the Motion to Dismiss of Shurwest and GoldStar;

1 Whereas, the Heritage Defendants filed a motion for more definite statement or
2 in the alternative to dismiss the complaint that is set for hearing on Dec. 17, 2018.

3 WHEREFORE, the Stipulating Parties stipulate and agree as follows:

4 1. Heritage Defendants filed a motion for more definite statement or in the
5 alternative to dismiss the complaint set for hearing on December 17, 2018 is
6 withdrawn in light of the court's order of December 3, 2018 and Plaintiffs shall not
7 enter a default of the Heritage Defendants as a result of the withdrawal;

8 2. Plaintiffs will file an amended complaint as allowed pursuant to the
9 court's order of Dec. 3, 2018 and the Heritage Defendants will respond to the amended
10 complaint thereafter;

11 3. In the event that Plaintiffs do not file an amended complaint within the
12 time allowed by the order of December 3, 2018, then the Heritage Defendants are
13 permitted to refile its motion for more definite statement or in the alternative to dismiss
14 within 10 days after expiration of the time for Plaintiff to amend its complaint pursuant
15 to the court's December 3, 2018 order. Plaintiffs reserve all their objections and
16 defenses to the withdrawn motion if refiled by the Heritage Defendants.

17 **REIF LAW GROUP, P.C.**

18 Brandon S. Reif
19 Marc S. Ehrlich
 Ohia A. Amadi

20 **FURGISON LAW GROUP, P.C.**

21 Jon C. Furgison

22
23 Dated: December 7, 2018

By:



24 Brandon S. Reif
25 Marc S. Ehrlich
 Ohia A. Amadi

26
27 *Attorneys for Plaintiffs Kolette A. Page And*
28 *Cletus M. Page*

LAW OFFICE OF JAMES A. ANTON

Dated: December 7, 2018

By:


James A. Anton

*Attorneys for Defendants Jeannette Manfre,
Albert Manfre, and CMAM, Inc. dba Heritage
Financial Services*

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE, UNITED STATES OF AMERICA

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 7700 Irvine Center Drive, Suite 800, Irvine, CA 92618.

On Dec. 7, 2018, I served the foregoing document described as **NOTICE AND STIPULATION PER L.R. 7-16 TO WITHDRAW MOTION FOR MORE DEFINITE STATEMENT OR IN THE ALTERNATIVE MOTION TO DISMISS COMPLAINT** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Brandon Reif, Reif Law Group, 10250 Constellation Blvd., Suite 100, Los Angeles, CA 90067 (310) 494-6500 (BReif@reiflawgroup.com) (*Plaintiff's*)

Kathy Huang, Alston & Bird, 333 South Hope Street, 16th Floor, Los Angeles, CA 90071 (213) 576-1000 (Kathy.huang@alston.com) (*Minnesota Life Ins. Co.*)

Joseph Aliberti, Law Office Joseph Aliberti, 4340 Von Karman Ave., Suite 110, Newport Beach, CA 92660 (949) 734-0550 (jma@alibertilaw.com) (*Mathew Beiser*)

Joe Akrotirianakis, King & Spalding, 633 West Fifth Street, Suite 1700, Los Angeles, CA 90071 (213) 443-4355 (JAKro@KSLAW.com) (*Shurwest Holding Company, Inc. & Shurwest, LLC*)

Faisal Zubairi, Dorsey & Shitnes, 600 Anton Blvd., Suite 2000, Costa Mesa, CA 92626-7655 (714-800-1461) (zubairi.faisal@dorsey.com) (*Happy State Bank & Goldstar Trust Company*)

 VIA MAIL: As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Orange County, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

 BY PERSONAL SERVICE: I delivered such envelope by hand to the office of the above addressee(s) during normal business hours.

 BY OVERNIGHT COURIER: I caused the above-referenced document(s) to be delivered to an overnight courier service for delivery to the addressee(s) shown.

 BY FACSIMILE TRANSMISSION: I caused the above-referenced document(s) to be transmitted to the above-named person(s) at the above facsimile numbers.

X **VIA ELECTRONIC MAIL:** The document was served electronically to the respective e-mail address(es) of the party(ies) as stated above and/or on the mailing list.

I declare under penalty of perjury under the laws of the State of California and the laws of the United States that the foregoing is true and correct.

Executed Dec. 7, 2018, at Orange County, California.

James A. Anton